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CONTENTS

	Page
Provisional agenda (S/Agenda/2551)	1
Adoption of the agenda	1
The question of South Africa: Letter dated 8 August 1984 from the Permanent Representative of Algeria to the United Nations addressed to the President of the Security Council (S/16692)	1

NOTE

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2551st MEETING

Held in New York on Friday, 17 August 1984, at 3.30 p.m.

President: Mr. Léandre BASSOLE (Burkina Faso).

Present: The representatives of the following States: Burkina Faso, China, Egypt, France, India, Malta, Netherlands, Nicaragua, Pakistan, Peru, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zimbabwe.

Provisional agenda (S/Agenda/2551)

1. Adoption of the agenda

2. The question of South Africa:
   Letter dated 8 August 1984 from the Permanent Representative of Algeria to the United Nations addressed to the President of the Security Council (S/16692)

The meeting was called to order at 4.15 p.m.

Adoption of the agenda

The agenda was adopted.

The question of South Africa:
Letter dated 8 August 1984 from the Permanent Representative of Algeria to the United Nations addressed to the President of the Security Council (S/16692)

1. The PRESIDENT *(interpretation from French):* In accordance with decisions taken at the previous meetings [*2548th to 2550th meetings*] on this item, I invite the representative of Algeria to take a place at the Council table. I invite the representatives of Argentina, Benin, Congo, Cuba, Czechoslovakia, Indonesia, Kuwait, Mongolia, Nigeria, Qatar, South Africa, Sri Lanka, the Syrian Arab Republic, Thailand, Trinidad and Tobago and Yugoslavia to take the places reserved for them at the side of the Council chamber.

At the invitation of the President, Mr. Sahnoun (Algeria) took a place at the Council table; Mr. Muñiz (Argentina), Mr. Ogouma (Benin), Mr. Samory (Congo), Mr. Velazco San José (Cuba), Mr. César (Czechoslovakia), Mr. Alatas (Indonesia), Mr. Abulhassan (Kuwait), Mr. Nyamdoo (Mongolia), Mr. Onobu (Nigeria), Mr. Al-Kawari (Qatar), Mr. von Schirnding (South Africa), Mr. Wijewardane (Sri Lanka), Mr. El-Fattal (Syrian Arab Republic), Mr. Kasemsri (Thailand), Mr. Alleyne (Trinidad and Tobago) and Mr. Silović (Yugoslavia) took the places reserved for them at the side of the Council chamber.

2. The PRESIDENT *(interpretation from French):* I should like to inform members of the Council that I have received letters from the representatives of Afghanistan, Guyana, Kenya and Togo in which they request to be invited to participate in the discussion of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in conformity with the relevant provisions of the Charter and rule 37 of the provisional rules of procedure.

At the invitation of the President, Mr. Zarif (Afghanistan), Mr. Sinclair (Guyana), Mr. Okeyo (Kenya) and Mr. Adjoyi (Togo) took the places reserved for them at the side of the Council chamber.

3. The PRESIDENT *(interpretation from French):* In my capacity as President I have received a letter dated 17 August from the representatives of Burkina Faso, Egypt and Zimbabwe which reads as follows:

> "We, the undersigned, members of the Security Council, have the honour to request that during its meetings devoted to consideration of the item entitled 'The question of South Africa', the Council extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Lesaoana Makhanda, representative of the Pan-Africanist Congress of Azania (PAC)." [*S/16704.*]

If I hear no objection, I shall take it that the Council agrees to the request.

It was so decided.

4. The PRESIDENT *(interpretation from French):* Members of the Council have before them document S/16700, which contains the text of a draft resolution submitted on 17 August by Burkina Faso, Egypt, India, Malta, Nicaragua, Pakistan, Peru and Zimbabwe.

5. The first speaker for this meeting is the representative of Trinidad and Tobago. I invite him to take a place at the Council table and to make his statement.

6. Mr. ALLEYNE (Trinidad and Tobago): Mr. President, I thank you and through you the members of the Council for having acceded to my request to participate in the debate. I intend to speak as briefly as possible on the matter before the Council.

7. Allow me first to congratulate you, Sir, upon your assumption of the presidency for the current month. With your wide diplomatic experience and your outstanding qualities, I am confident that you will ably and successfully guide the Council during August.

8. I should like also to take the opportunity to express to Mrs. Kirkpatrick of the United States my appreciation of her capable handling of the affairs of the Council during the month of July.

9. The matter before the Council is not one affecting two great Powers able in their own right to defend their interests. Nor, contrary to statements made here, is this an unwarranted intrusion into the domestic affairs of South Africa. The parties affected have no other reasonable recourse but to the General Assembly and the Security Council. In their own native land, in what is in effect their own nation, they are the victims of a brutal régime that has deprived them of all those rights that are held most dear by our international institutions. The latest action by the Government of South Africa seeks to entrench a political, economic and social system inimical to the interests of the black African in all of southern Africa.

10. Eight months ago the General Assembly rejected the "constitutional proposals" of the Pretoria régime and declared them to be contrary to the principles of the Charter of the United Nations [*resolution 38/11 of 15 November 1983*]. In spite of the almost universal opprobrium of the international community, and heedless of the effect which these proposals will have on a tense—indeed, tinder-dry—internal political situation, the régime has gone ahead with their implementation. Elections to the tricameral legislature will take place over the next two weeks, and the three houses are scheduled to meet on 3 September.

11. There are those who maintain that the limited political representation given to the so-called Coloured and Asian people under the "new constitution" is the beginning of the end of *apartheid*, and they imagine that in due course the entry of the representatives of the African majority into government will be facilitated as a result of the white minority having learned to work with other races. In the view of my delegation, this assessment is unrealistic, ignoring as it does the long record of repression and intransigence of the Pretoria régime. We view the so-called "new constitution" as a deliberate process further to entrench white supremacy by polarizing the other population groups, thereby fragmenting their concerted opposition to *apartheid* and therefore further cementing the rigid *apartheid* structures of separate development.

12. We are aware that the régime envisages establishing a different, separate constitutional system for the African majority, based on tribal origin and so constructed as to complement the bantustan system of so-called homelands for the territory's 10 African tribes. The African majority will thus be formally converted into and dubbed tribal "minority groups".

13. Fragmented, separated from their families, relegated to eking out an existence in the arid, infertile and isolated bantustans, labouring under appalling conditions with inferior wages in the mines or living precariously in the townships which border the white cities, the African majority are relegated to the status of migrant workers in their own land, relegated indeed to the status of minority groups and dispossessed of their patrimony.

14. We all recognize that one of the reasons for the régime's giving limited political rights to the Coloured and Asian population groups is to justify conscripting them into the defence force. Viewed in the context of the recent non-aggression pacts which certain States in southern Africa have been coerced into signing with Pretoria, and the régime's latest attempt to impose on Namibia an independence settlement which would bypass the United Nations plan adopted in Council resolution 435 (1978), this strategy takes on particularly sinister overtones.

15. We are witnessing the evolution of a refined system of *apartheid*, built upon a strong, deep and carefully designed foundation. The Pretoria régime is taking precisely calculated steps to give it an economic and military stranglehold on the entire southern African region. The implications for the peace and stability of Africa, and especially the southern part of the continent, are extremely grave.

16. It is essential that those best able to influence the régime do not allow themselves to be hoodwinked by its protestations of good intent and desire to reform. It is of paramount importance that the international community refuse to remain an impotent observer of this latest and extremely dangerous stage in *apartheid*'s evolution.

17. My delegation urges all members of the Council to support the draft resolution rejecting the so-called new constitution. Such a unanimous message to Pretoria would serve to check its overweening confidence and be a great source of encouragement to those within South Africa who are courageously resisting the structure about to be imposed upon them.

18. For half a millennium, black Africa has borne more than its full share of suffering. Nothing but the concerted action of all the Member States of the United Nations, acting through the Security Council, can give hope to this beleaguered people.

19. The PRESIDENT *(interpretation from French)*: The next speaker is the representative of Qatar, whom

I invite to take a place at the Council table and to make his statement.

20. Mr. AL-KAWARI (Qatar) [*interpretation from Arabic*]: Thank you for calling on me to speak, Mr. President. I am pleased to congratulate you on your assumption of the stewardship of the Council for the month of August. You are guiding our proceedings with your well-known ability and competence.

21. I also wish to thank the representative of the United States for the excellent way in which she discharged her responsibilities as President of the Council last month.

22. This is my first opportunity to participate in the debate of the Council since I began my term of office at the United Nations last May. I am privileged that the topic under discussion is an issue of common deep concern for us as well as for our African friends and the other Member States, because it involves a flagrant violation of human rights and a crime against humanity: *apartheid*.

23. That crime of *apartheid* has been condemned by the United Nations in several resolutions that have been met with defiance and disregard by the racist régime in Pretoria, which has flouted the international community's collective condemnation of its policies and practices. The "constitutional proposals" and the parliamentary "elections" do not represent a retreat from the policy of *apartheid*, nor do they improve it. They actually entrench this repugnant policy and reaffirm the domination of the white minority, as well as deprive the vast majority of the citizens of the country of any participation in the government, in contrast to a democratic society where all citizens have the same rights and duties.

24. Ever since it has participated in the work of the United Nations, Qatar has condemned the policy of *apartheid*. My delegation has always denounced *apartheid* and rejected discrimination in South Africa by one segment of the population against another, thus depriving 23 million Africans of the most fundamental rights and guaranteeing to the white minority exclusive rule and monopoly over all the resources of the country. This disregards the noble principles of the Charter of the United Nations adhered to by the members of the international community, as well as the instruments and covenants at present constituting contemporary international law.

25. In keeping with this unwavering position, my country supports all efforts towards the implementation of the rights of the majority of the people of South Africa, and, basing itself on the principles of the United Nations and the right of peoples to self-rule in complete equality, it condemns the constitutional manoeuvres of the white minority rule.

26. The "new constitution" of South Africa is designed only for the white minority, which seeks exclusive authority in the country, since it maintains that minority's privileges. As a ploy, it gives to 2.7 million so-called Coloured and to 800,000 persons of Indian origin the right to vote for segregated Houses that have no genuine authority and are completely under the domination of the white Parliament, thus denying the humanity of the indigenous African people—the overwhelming majority—who remain deprived of the right to vote and of taking part in any way in governing the country. What is the meaning of such a constitution and such elections?

27. The implementation of this "constitution" and the holding of such "elections" are not related only to the internal affairs of the country, since *apartheid* and the violation of fundamental human rights run counter to international law. The United Nations must therefore condemn this situation and put an end to it, because its perpetuation will exacerbate tension and conflict in South Africa. The Council cannot sit idle in front of such a situation, and it behoves all its members to shoulder their responsibility and not place any obstacles in the way of the Council's achieving an effective decision.

28. In supporting the right of all the people of South Africa to participate in governing their country without any discrimination, my delegation urges the Council to adopt the draft resolution submitted by eight of its members [*S/16700*]. We hope that the Council will do so, because the white minority Government will not cease to challenge the will of the international community unless convinced by decisive action, that the States on whose political support it has so far relied—even when flouting that will and repudiating the principles of the Charter and relevant international covenants—have finally decided to take a stand on the side of right and justice and to join in the collective will of the international community as spelt out in resolutions on *apartheid* adopted by the General Assembly and the Security Council.

29. The PRESIDENT *(interpretation from French)*: The next speaker is the representative of Indonesia. I invite him to take a place at the Council table and to make his statement.

30. Mr. ALATAS (Indonesia): Sir, may I first express my delegation's sincere appreciation to you and to the members of the Council for giving me the opportunity to participate in the present deliberations on a question of acute concern to all of us. May I also take this opportunity to congratulate you on your assumption of the presidency of the Council for this month, and to assure you of my delegation's high regard for your qualities of statesmanship and diplomatic skill, which will certainly be indispensable for the success of our common efforts.

31. The Council has been convened urgently to consider and to act on yet another in the long series of legal frauds presented to the world by the racist Pretoria régime.

32. For decades the Council and the international community at large have sought to compel South Africa to abandon its inhuman policy of *apartheid*. Pretoria's response has invariably been one of arrogant defiance and repeated resort to devious and fraudulent manoeuvres designed to entrench further an abhorrent, institutionalized form of racial oppression and discrimination, not only in South Africa itself but also in Namibia, which it continues to colonize and to exploit.

33. In a few weeks time, the Pretoria régime intends to put the final touches to the creation of a three-chamber, segregated legislature for the white minority, the so-called Coloured people and people of Asian origin. The elections scheduled for 22 and 28 August are a prelude to the bringing into force of the Constitution Act of 1983. These steps are being touted as "enlightened constitutional reforms" which would purportedly lead towards broader participation by certain sectors of the population in the country's political process.

34. However, the world cannot be deceived by this constitutional hoax, which will bring neither greater democracy nor surcease from the tyranny of racist oppression to the overwhelming majority of the indigenous African people.

35. Indeed, ever since the so-called constitutional reforms were first proposed, and subsequently endorsed by the exclusively white electorate in South Africa last year, they have evoked universal condemnation by the General Assembly of the United Nations, the Conference of Heads of State or Government of Non-Aligned Countries and the Assembly of Heads of State and Government of the Organization of African Unity. And quite significantly, this conspiracy has also been rejected by the so-called Coloured people and people of Asian origin themselves, as well as by their genuine representatives, because they have correctly recognized it for what it is: a classic expression of the colonial device of *divide et impera*.

36. A closer scrutiny of the proposed constitutional changes fully reveals their insidious nature. First, the tricameral legislative system with 178 white members, 85 Coloured members and 45 Asian members is simply a pseudo-parliament, since not only do the whites retain an automatic majority but the President has absolute powers, including the power to convene and dissolve it. Secondly, it is demeaning, as it attempts to co-opt the so-called Coloured and Asian peoples as accomplices and surrogate implementors of the system of *apartheid*. Thirdly, it is wholly non-representative, because the indigenous black majority is totally excluded. In substance, therefore, the changes proposed by Pretoria represent nothing more than a further refinement of the already discredited policy of bantustanization dressed up in quasi-legal form.

37. The implications of these changes are indeed far-reaching and there can be no doubt as to what they will be. They will not only lead to increased strife and division within South Africa itself and throughout southern Africa as a whole, but will also inevitably aggravate the threat to international peace and security.

38. In view of these potentially disastrous developments, the Council must take a clear and unequivocal stand. The Council has no alternative but to condemn this latest manoeuvre by categorically rejecting the scheduled elections and the imposition of the so-called new constitution. Further, all unilateral actions by the régime against the majority should be considered null and void and likewise rejected unanimously. To do anything less would seriously erode the credibility and authority of the Security Council and the United Nations as a whole. We are confident that resolute action now would provide the much-needed support and encouragement for the African majority in their legitimate struggle against colonial oppression and racial discrimination.

39. *Apartheid* has been universally recognized as a crime against humanity. It is the very essence of human degradation and a violation of the most fundamental of human rights. *Apartheid* therefore cannot be reformed or improved upon by incremental measures. It should be eliminated in its totality. For it is only by building a new non-racial, democratic society based on majority rule that lasting peace and social justice can be established in South Africa and on the African continent as a whole. My delegation expects that all Governments, including those that have continued to lend credence and support to the Pretoria régime, will not shirk their moral duty and political responsibility to join in a common endeavour to secure this objective.

40. The PRESIDENT *(interpretation from French)*: The next speaker is the representative of Togo. I invite him to take a place at the Council table and to make his statement.

41. Mr. ADJOYI (Togo) [*interpretation from French*]: Sir, I am particularly pleased, as I am speaking for the first time under your presidency, to extend to you my heartiest congratulations on your assumption of the presidency of the Council for the current month. This is a tribute you fully deserve because of your personal qualities and your diplomatic skills. You represent a country with which my own country has close bonds of friendship and co-operation. We are sure that your qualities guarantee the success of the work of the Council.

42. I should also like to congratulate your predecessor, Mrs. Jeane Kirkpatrick, whose wisdom made it possible for the Council to enjoy a relatively peaceful month of July.

43. Finally, I should like to express my appreciation to the Council for giving me this opportunity to speak on the question of the so-called constitutional reforms in South Africa which has been placed before the Council by the Group of African States.

44. "In the common quest to realize the ideals and objectives of the Charter, we must never lose sight of the quality of the world we are seeking to build and of the ultimate *raison d'être* for all our activities: the individual human being, for whom the Universal Declaration of Human Rights proclaims the right to a social and international order in which human rights and fundamental freedoms can be fully realized."[1]

Those words of the Secretary-General which I have just quoted are particularly relevant as the Council considers the thorny problem of the strengthening of *apartheid* through the so-called constitutional proposals.

45. By placing this matter before Council, the Group of African States wishes once again to alert the international community to the gravity of the development of the system of *apartheid* and to invite it to take action before it is too late. The so-called constitutional reforms are aimed at a single objective, namely, to systematize and further entrench the policy of *apartheid*. They are but an act in a drama which is moving inevitably towards a tragic outcome: the black man, who is already deprived of his rights, will become a non-being.

46. How can we reach any other conclusion when analysing these alleged reforms, when we see that the "constitutional reforms" are aimed at allowing the Coloured people and the people of Asian origin to participate in the political life of the country, whereas 23 million Africans constituting the overwhelming majority of the population are excluded from such participation. Each racial group, excluding the 23 million Africans, will be able to manage its own affairs, but their nature will be determined by the President of the State. Under the new system of constitutional representation, 130 representatives of the Coloured people and of the nationals of Asian origin will sit across from 178 whites, which clearly means that the whites will continue to impose their laws, first on the second-class citizens which the Coloured and Asians will become, and then, of course, on the blacks.

47. One may wonder what logic could give 2.8 million Coloured and 800,000 people of Asian origin in South Africa the right to elect representatives, whereas the 23 million blacks are deprived of that right.

48. The *apartheid* system has its very own logic, since it is based on racial domination. Hence it becomes easy to understand that the goal of the white minority in Pretoria is to transform two thirds of the territory into an area belonging to the whites, in conformity with the 1936 Land Act. One can also understand the policy of bantustanization, with the creation of allegedly independent bantustans, the better to control the blacks while taking away their South African nationality. At the present time the 23 million blacks occupy only 13 per cent of the land, 87 per cent of which remains in the hands of 5 million whites.

49. After having made the black South African a foreigner in his own country as a result of this policy of bantustanization, the Pretoria authorities are now turning their attention to the Coloured people and those of Asian origin—who are not covered by the Race Classification Act and the 1936 Land Act—in order to control them, too, by making them second-class citizens in their service, in particular in the army, where they will be able to use them to annihilate their black-skinned fellow citizens.

50. It is important that these Coloured people and people of Asian origin, who are South Africans, not be deceived. The solidarity that has always existed between blacks and Coloureds must continue if the goal of creating an egalitarian social order is to be attained. The Coloured brothers and those of Asian origin and the white friends who have contributed to the struggle for freedom and justice in South Africa, their homeland, must remain vigilant and not fall into the trap of these new South African manoeuvres.

51. Nationals of Asian origin must not forget—as was so rightly pointed out by the representative of India [*2548th meeting*]—the important role that some of them have played in the struggle against racism. We shall always remember how Mahatma Gandhi, the father of the Indian nation, worked against oppression in South Africa.

52. When on 2 November 1983 the *apartheid* régime had the so-called constitutional reforms approved by an exclusively white electorate, the international community was not deceived. It reacted, and the General Assembly by an overwhelming majority and without opposition adopted on 15 November resolution 38/11, which, *inter alia*,

> "Rejects the so-called 'constitutional proposals' and all insidious manoeuvres by the racist minority régime of South Africa further to entrench white minority rule and *apartheid*".

53. My delegation hopes that the Security Council will also carry out its responsibilities and adopt a resolution also rejecting these constitutional measures aimed solely at strengthening the policy of *apartheid*, which it has already condemned. By taking this stand the Council would remind everyone that the ultimate *raison d'être* of all our activities is mankind, regardless of race, and that by signing the Charter of adhering to it we, the peoples of the United Nations, have determined "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person".

54. As the President-Founder of the Rally of the Togolese People and President of the Republic, General Gnassingbe Eyadéma, said:

> "Togo cannot compromise with the situation of injustice and oppression prevailing in that region where a régime unworthy of man and of our times,

one which is contrary to all rules of morality, is maintained at the price of untold violence against a people whose only crime is the colour of their skin."

55. It is time *apartheid* came to an end, and my delegation is convinced that if all States truly wished it, the death-knell of *apartheid* could soon be heard in South Africa. We hope that all States will assume their responsibilities.

56. The PRESIDENT *(interpretation from French)*: The next speaker is the representative of Guyana. I invite him to take a place at the Council table and to make his statement.

57. Mr. SINCLAIR (Guyana): Sir, it is with particular pleasure that I see you, the representative of friendly and non-aligned Burkina Faso, presiding over the Council in the month of August. Your well-known diplomatic skills, your efficient manner and your unequivocal commitment to policies based on the principles of equity and justice guarantee that the work of the Council during the month of August will be effectively and successfully concluded.

58. I must also take this opportunity to express to your immediate predecessor, Mrs. Jeane Kirkpatrick, my delegation's appreciation for the very capable manner in which she conducted the business of the Council in the month of July.

59. Ten years ago the Council held an important and profound debate on South Africa's relations with the United Nations. I should like to invite members of the Council to return with me to three statements made in the course of that debate. On that occasion some members of the Council demanded South Africa's expulsion from the United Nations. I recall that debate not out of any intention on my delegation's part to invite a revival of the question of expulsion. I wish to make that very clear. I do so rather in an effort to situate the current debate in an historical context, which, I believe—and I say so with all the humility of which I am capable—could be helpful in our present analysis of the situation regarding South Africa.

60. Speaking in the Council on the occasion of that debate, the representative of the racist minority régime said: "We shall do everything in our power to move away from discrimination based on race or colour." [*1800th meeting, para. 104.*]

61. Members will recall that the draft resolution requesting expulsion [*S/11543*] attracted three vetoes. The representative of one veto Power said:

"our world is developing and the situation of Africa is developing. It has changed since last year in the immediate vicinity of southern Africa. There are new factors appearing and those who are stubbornly opposed to change must take them into account." [*1808th meeting, para. 80.*]

That was said by the representative of France.

62. The representative of another veto Power said that if the Council were to move for South Africa's expulsion,

"It would make it difficult, if not impossible, for the Organization to explore and exploit the recent statements made both here and in South Africa which hold out some hope of change in the right direction." [*Ibid., para. 95.*]

That was the representative of the United Kingdom.

63. The representative of the United States said:

"We are heartened, indeed, by some encouraging words in this chamber voiced by the representative of South Africa. On 24 October [*1800th meeting*], he himself implied that the South African Government was responding not in a vacuum but in reaction to world events, not the least of which has been the condemnation of South Africa's *apartheid* . . . policies within this international Organization." [*1808th meeting, para. 56.*]

Later on he said:

"My Government believes that this kind of all-or-nothing approach would be a major strategic mistake, especially at a time when we are hearing what may be new voices of conciliation out of South Africa. These new voices should be tested." [*Ibid., para. 61.*]

64. That was 10 years ago. After the expressions of optimism made by South Africa and its Western friends in the Council regarding the possibilities, and indeed the imminence, of change in southern Africa, it could be useful for the Council, as it considers the question of the so-called constitutional reforms in South Africa, to examine the extent to which that optimism has been justified by subsequent events. If this examination proves that that optimism was misplaced and unwarranted, then I suggest that a special responsibility now devolves on those who in 1974 encouraged this feeling of optimism, who, incidentally, have been the ones preventing any action by the Council in respect of South Africa.

65. For purposes of brevity I shall not deal with the various actions taken by the Pretoria régime between 1974 and the present time, which in any case are well known to all of us, and we all know the verdict of those years. The current reality is a piece of draft legislation which it is contemplated will enter into force very soon and which represents a new debasement of the condition of South Africa's black, Coloured and Indian populations, for that would be the result of what has been euphemistically described as South Africa's constitutional reforms.

66. I place special emphasis on members of the black population, the overwhelming majority in South Africa,

whose denationalization will be effectively ratified by these so-called reforms and for whom any prospect of participation in the internal political process is eliminated, at least for the time being.

67. In a real sense, therefore, this debate is not simply about South Africa and the attempts of the Pretoria régime to maintain the supremacy of white minority rule and *apartheid*. It is more than that, in the view of my delegation. It is also a debate about the Organization itself, and its resolve and effectiveness in dealing with large-scale human degradation such as is taking place in South Africa. In particular it is also about those of its members who have permitted the indecency of racism to reach the enormous proportions we are now witnessing in southern Africa while assuring the international community that change is around the corner.

68. Our preoccupation with *apartheid* is of long standing; it is almost as old as the Organization itself. Over the years we have examined, both in the Security Council and in the General Assembly, every facet of that system and its effects upon the oppressed population. The Assembly has consistently called for specific action to be taken by Member States acting individually, as well as by the Council, in order to prevent the spread of the scourge that *apartheid* represents and to exert pressure on the Pretoria régime for introducing change in its policies.

69. A number of States have taken positive action in their own ways, according to their possibilities, for the application of pressure upon the Pretoria régime. But this has not been enough to achieve the purposes intended. While condemnation of *apartheid* has been world-wide, there has unfortunately never been a solid international consensus on the need to do something concrete about it. And this lack of consensus has been systematically exploited by South Africa.

70. The Council has consistently been called upon to take certain kinds of actions against South Africa because of its racist and aggressive policies. Those calls have always enjoyed the support of an overwhelming majority of Member States, but there have always been a few to prevent the Council from acting in the manner requested. What has most helped sustain South Africa and the continuation of *apartheid* is the régime's conviction that in the last resort its perceived economic and strategic value will prevent its Western friends from taking action which will help make difficult the chances of survival of *apartheid*. And those Western States concerned have done or said little to shake that conviction. Quite the contrary: by their attitudes and actions they have encouraged such a conviction and helped make possible excesses such as we are witnessing now in South Africa.

71. Some States are not too small for their own internationally recognized efforts at national reconstruction to attract external scrutiny, with significant commitments of energy and resources, all under the banner of a concern for human rights. However, *apartheid*, despicable and inhuman as it is, involving the large-scale and systematic dehumanization of the overwhelming majority of the people of South Africa, does not provoke similar responses—either because its victims are predominantly black or because of the profit motive involved, or out of strategic considerations or some combination of these factors. Whatever the reason, it is indeed a sad commentary on the nature of the commitment which some States profess to have to the maintenance of certain values that the *apartheid* policies of the Pretoria régime should find the encouragement they are finding in the attitudes of some Western States.

72. A legislative travesty such as the so-called reforms we are considering may serve to remove blacks from participation in the political process, but there is no legislation that can cause the nationalist sentiment of South Africa's black majority to disappear. There can be no legislation against black anger, which these measures do so much to further stimulate. The Council will recall, as it looks back over the past seven decades of black protest in South Africa, how fitful, diffident and even moderate that protest was in its early days. It was the obstinacy of South Africa's ruling cliques, rebuffing black demands at every turn, that forced the black majority of South Africa into positions of greater militancy and toughness. The constitutional measures we are now considering only lead to more anger and alienation.

73. There is still time to channel those feelings into avenues consistent with peaceful change, if the Pretoria régime were interested in such a process. But for the time being, since it is excluded from political participation, South Africa's black majority will express itself in the only way left open to it. The Pretoria régime cannot drive the majority of its population into a legal limbo, fuelling their anger in the process, and wonder at the consequences. There will be more Sharpevilles and more Sowetos, each more intense, perhaps, than the preceding. Many will fall, but in falling they will also be handing over the torch to others who will carry forward the fight for human dignity.

74. These constitutional reforms underscore the pressing need for this Council to take early action for the dismantling of the hateful *apartheid* system. The horizons of hope to which South Africa pointed in 1974 have long since been darkened by the very actions of the Pretoria régime itself. What is the pretext now? What else do we now wait for?

75. In the meantime, I should like to join my voice to those of delegations which preceded me here in expressing support for a decision by the Council rejecting the so-called constitutional reforms and calling on States not to accord any recognition whatsoever to the result of the so-called elections to be held later in the month of August.

76. The PRESIDENT *(interpretation from French)*: The next speaker is Mr. Lesaoana Makhanda, to whom

the Council has addressed an invitation under rule 39 of its provisional rules of procedure. I invite him to take a place at the Council table and to make his statement.

77. Mr. MAKHANDA: Allow our delegation, Sir, which is speaking here on behalf of the discriminated-against, dispossessed, oppressed, exploited and struggling masses of our country, Azania, to congratulate you on your assumption of the presidency of the Council for the month of August. We are confident that your leadership qualities, characterized by your diplomatic skills, will ably guide these deliberations and facilitate the efforts of the Council to arrive at a just and humane decision.

78. May I also join those who before me expressed their appreciation and admiration to your predecessor, Mrs. Jeane Kirkpatrick of the United States, for the manner in which she guided the deliberations of this Council last month. Again with your permission, Mr. President, my delegation wishes to express its guarded satisfaction at the position taken by the United States representative when she spoke in exercise of the right of reply yesterday [*2549th meeting*]. We take note of that position.

79. Last but not least, our thanks go to our brothers and sisters in the Group of African States, the Movement of Non-Aligned Countries and the socialist States, and to all others who have stood with us during this debate. To all of them we say, if I may quote a brother who was in a liberation movement which has now succeeded, "The voice of the people is the voice of God, and it will always triumph."

80. On 2 November 1983, the white-only electorate, representing one fifth of the total population of Azania, voted in a referendum on the constitutional proposals worked out by the Pieter Botha wing of the ruling all-white Nationalist Party. Needless to say, since the passage of the then so-called constitutional proposals, much discussion and controversy, both inside and outside of Azania, has been engendered.

81. The new constitution, officially called the Republic of South Africa Constitution Act, provides for a tri-racial three-chamber parliament consisting of a 178-member house of assembly for whites, an 85-member house of representatives for so-called Coloureds—a term used in *apartheid* South Africa for persons of mixed race—and a 45-member house of deputies for people of Indian origin. Here it might be interesting to note that if somebody says that he is a member of the house of representatives one automatically knows that he is a Coloured, and if somebody says that he is a member of the house of deputies one automatically knowns that he is of Asian origin.

82. Whites, so-called Coloureds and people of Indian origin, voting on separate voters' rolls, will elect members of parliament to serve in three separate houses of parliament. Together, the whites, so-called Coloureds and people of Asian origin currently number 7.8 million, or 27 per cent of South Africa's total population. Looking carefully at the four-to-two-to-one ratio of representation worked out by the ruling Nationalist Party, it becomes quite evident that effective power will lie in the hands of the current white minority rulers.

83. It will also be noted that the new constitution totally excludes the indigenous African majority. Their exclusion is "justified" by the establishment of 10 so-called independent bantustans, where they must "exercise citizenship and political rights". Already, some 10 million Africans have been affected by evictions and expulsion into the bantustans. The 10 envisaged bantustans will eventually cover only 12.7 per cent of the total land area of South Africa. The remaining 87.3 per cent has been declared "white South Africa", where the indigenous African, the rightful owner, has been arbitrarily declared a foreigner.

84. The system, under the new constitution, which will be effective as of 3 September, is designed to work in such a way that even if all the so-called Coloured and Asian-origin members of parliament combined with a white opposition amounting to as much as 49 per cent of the white chamber, they could not stop a white chamber majority of only 51 per cent based on the 2.5 million Afrikaaners from controlling the Government. Real power, therefore, will always remain in the hands of the Nationalist Party, the present ruling party.

85. Moreover, straightforward majority rule by the proposed and envisaged combination of whites, so-called Coloureds and people of Asian origin is also excluded. Each race group will run "its own affairs". What constitutes their "own affairs" is also defined, and it includes culture, schooling, art, recreation, community planning and social welfare. Everything else, by definition, is of "common concern". It should be noted that the so-called Coloured and Asian members of parliament will not be allowed to introduce any subject in their own racial chamber unless the new constitutional act is accompanied by a certificate from the State President saying that the subject matter deals with the "own affairs" of the population in question.

86. In essence, the so-called Coloured and Asian members of Parliament will be allowed to discuss only those "own affairs" issues approved by the State President, who will always be a member of the majority party in the white Chamber. For instance, the so-called Coloured and Asian members will not be able to discuss the Group Areas Act, which affects them directly and which constitutes a key pillar in the application of *apartheid*, because it is not considered as, and does not fall within, the "own affairs" category. Consequently, the so-called Coloured and Asian Chambers will be mere talking shops, discussing those topics approved by the State President.

87. Another aspect of the new constitution that has received much attention is the powers bestowed on, or

vested in, the State President. The State President, to be elected by an electoral college, will be the most powerful person in *apartheid* South Africa. The electoral college will comprise 50 white members, 25 so-called Coloureds and 13 people of Asian origin. The white collegians thus outnumber the others by 30 per cent, thereby ensuring that the State President will always be white and from the majority white party—in this case, the racist Nationalist Party.

88. The State President will have the power and authority to appoint any number of cabinet ministers and deputy ministers and to preside over the Cabinet; dissolve Parliament or any House of Parliament; proclaim or terminate martial law; declare war and peace; decide what are the "own affairs" of a particular population group—and his decision about this may not be tested or commented upon in a court of law—and dictate to the Houses of Parliament what legislation they may or may not discuss. Any bill on "own affairs" introduced in a House must be accompanied by a certificate from the State President saying that it deals with the "own affairs" of the population group in question. The State President may also remove or transfer people in the service of the State. The control and administration of black affairs will also be vested in him. In addition to all these and other far-reaching powers, the State President will be in control of all revenues of the Republic. We might see this in relation to the scandal of the slush fund the former Prime Minister, John Vorster, was involved in, and its repercussions.

89. Given that the so-called new constitution in no way alters the bantustanization policy of the *apartheid* régime, but, rather, institutionalizes it; given that power will perpetually remain in the hands of the Nationalist Party, the architects of *apartheid* under the new constitution; given that the so-called Coloured and Asian members will be incapable of introducing any change not approved by the racist Nationalist Party, it is obvious that the new constitution is a mere fraud and reflects no change whatsoever in the substance of *apartheid*. On the contrary, the so-called new constitution entrenches and institutionalizes *apartheid*. Thus it is not a recipe for "gradual" change or "a step in the right direction". It might well be said that it is a step to the right. It simply represents white supremacy in a more subtle guise.

90. The general focus of debate on the new South Africa constitution by its apologists in the international community has been, and continues to be, on its structure rather than on its nature. The emphasis has been on the sovereignty of the State rather than on the sovereignty of the people. And yet the foundations of democracy are the sanctity and dignity of the individual. In that respect we may reflect on the sentiments expressed in the American Declaration of Independence as self-evident truths: "that all men are created equal ... with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness." To establish and protect these principles is the main function of government. In the same vein, Alexis de Tocqueville refers to a "general law—which bears the name of justice—and which is not peculiar to any group of people but accepted by a majority of mankind."

91. It is this universality of justice which is reflected in the declaration on human rights in the Charter of the United Nations and which it is the heavy responsibility of the Security Council to protect from dishonour. The Governments of the Member States of the United Nations have different structures, so it is not the structure of the South African Government that is at issue but its nature—that is, the basis of its structure: its disregard for the individual as the universally accepted denominator in government and its emphasis on race. Given that proposition, it is irrelevant that the new constitution excludes the majority of the people—the Africans. An additional, fourth Chamber would still be based on racial lines. It would still emphasize the group over the individual. The State would still define the individual, thus imposing forced allegiance by the individual first to a group, rather than to a principle common to all mankind.

92. As stated above, there are those who argue that the new constitution is a step in the right direction, that it will eventually transform itself into an instrument of democratic government based on respect for the individual. The inherent racial foundation of the constitution, however, invalidates such a prediction. Arguments of the various groups discredit this prediction and clearly indicate that the conflict between race and individual as a basis for a just government cannot be ignored.

93. Among people of Asian origin, objection to participation is based on the constitution's restriction to narrow Indian concerns, to the exclusion of the greater concerns in the African and Coloured communities. The objective of those favouring participation, on the other hand, is to discredit the constitution with a negative vote because of its racial nature.

94. Similarly, the so-called Coloureds favouring participation also object to the non-integrated political parties and to the exclusion of Africans, and those that favour a boycott argue that the constitution entrenches *apartheid* and divides the "politically black" Coloureds from identifying with the African majority. It is this general rejection of the racist basis of the constitution that provided Botha's opposition to a referendum for so-called Coloureds and people of Asian origin.

95. The overwhelming approval of the new constitution by whites simply reinforces the arguments advanced by the so-called Coloureds and people of Asian origin for and against participation, which is that it perpetuates white domination. The difference between the "No" vote and the "Yes" vote is based on the best means of perpetuating that domination, with the "Yes" vote depending on the new structure to do it better than the old.

96. It is the exclusion of the African majority from this structure of government that has become the common focus of attention. To blacks, however, it is the racial basis of this structure that is objectionable, and it is that basis which guarantees its failure, and will continue to do so. It is rejected because the individual is only a statutory entity. Its foundation is therefore laid on racial prejudice, the exclusion being only one facet of that prejudice.

97. As for the oppressed, exploited and dispossessed people of Azania and the custodian of their true aspirations, PAC, until the real problem is addressed—that of the land, that of non-racialism, and that of supremacy of the individual—any constitution will be meaningless as regards our struggle for national liberation.

98. The South African representative's statement to this body yesterday noted: "Prejudice is not inclined to yield to reason" [*2548th meeting, para. 78*]. Since the new constitution is based on prejudice, it can therefore be assumed that it cannot be changed through reason. What then are the alternatives? To the oppressed, exploited, dispossessed, and the discriminated against masses of Azania, the answer is obvious.

99. The PRESIDENT *(interpretation from French)*: I shall now make a statement in my capacity as representative of BURKINA FASO.

100. Since 1946, the United Nations has had before it the issue of the policies and practices of *apartheid*. The so-called constitutional reforms recently introduced by the racist régime of Pretoria are a mere variation of those policies and practices of which Pretoria is a past master.

101. During its thirty-eighth session, the General Assembly exposed the true nature of the so-called constitutional reforms. It not only rejected them, but clearly identified the conditions which, if they were to exist, would lead inevitably to a just and lasting solution to the explosive situation maintained by Pretoria in South Africa. These conditions are, among others, the total and final elimination of *apartheid* and the creation of a democratic non-racial society based on majority rule.

102. Today, it is once again up to the Council to make itself heard. It is important for the future of the just cause of the oppressed people of South Africa that it succeed in this. It can do so if each of its members makes an objective and honest appraisal of the situation as it prevails in South Africa and speaks one and the same language: the language of freedom, the language of justice and of equality, the language of human dignity. Such an evaluation would lead to the revolting conclusion that the major goal pursued by racist South Africa through the so-called constitutional reforms is to perpetuate the domination of the white minority, and in order to succeed in this it is trying desperately but stubbornly to break the unity of the oppressed majority by instigating internal conflicts and by killing politically the indigenous Africans.

103. The new political provisions exclude 24 million Africans, who thereby cease to be citizens. The others, who are supposedly involved in the system, are actually on the mere fringe of society and are reduced to the role of puppets. Actually, within the framework of the new programme as contemplated, very clear information is given. The white Parliament will be called a chamber of assembly and will retain its 178 seats. The so-called Coloureds will elect, on the basis of a separate list, an 85-member house of representatives; those of Asian origin will elect, also on the basis of a separate list, a 45-member chamber of deputies. Under the provisions of those proposals, the role of the house of representatives and that of the chamber of deputies is a mere fiction, because all they can discuss is their own affairs.

104. It is important that the Council show firm determination to thwart the increasingly cynical, Machiavellian initiatives taken by the Pretoria racists. This, of course, can be done only if certain States which are known to have influence over the *apartheid* régime abandon the ambiguous position they have taken and show the world that their abhorrence of *apartheid* is genuine and sincere. For it is from that ambiguous position that the racist régime draws strength in its oppression of the martyred people of South Africa.

105. Only thus, in our view, will true change take place in South Africa.

106. The General Assembly has set the tone by adopting resolution 38/11 of 15 November 1983 on the question we are currently considering.

107. When all attempts at legitimate opposition to the dilatory manoeuvres of the racist régime have been severely repressed, the Council cannot and must not remain deaf to the appeals of the Democratic Front to the international community. It must, through unequivocal decisions, help the people of South Africa in their just struggle to put an end to *apartheid* and to create a truly democratic South Africa. It must go far beyond the position adopted by the General Assembly, unless it is felt that the majority of the population in South Africa is so black that it is difficult to pity it.

108. For its part, Burkina Faso is determined to support this oppressed people by all possible means so that freedom, justice, equality and human dignity may be the best shared values of the world.

109. I now resume my function as PRESIDENT.

110. Mr. KRISHNAN (India): On behalf of the eight non-aligned members of the Council that have sponsored the draft resolution contained in document S/16700—Burkina Faso, Egypt, India, Malta, Nicaragua, Pakistan, Peru and Zimbabwe—I should like to inform the Council that we have been engaged in consultations with regard to the text of the draft resolution, as you yourself, Mr. President, and the members of the Council are aware.

111. I wish on behalf of the sponsors to inform the Council that as a result of these consultations we have agreed to make a few changes in the text of the draft resolution that was circulated yesterday. First, we have agreed to delete the second preambular paragraph. Secondly, in the original fifth preambular paragraph, now the fourth, the expression "*apartheid* armed forces" has been changed to read "armed forces of the *apartheid* régime". Also in the same paragraph, the word "aggression" has been changed to read "aggressive acts". Thirdly, in the last preambular paragraph, the words "and conflict" have been deleted, as has the last clause in that paragraph—namely, the words "thereby exacerbating the threat to international peace and security".

112. Those are the changes which the sponsors have agreed to make in the draft resolution that is now before the Council. It is their hope that the spirit of accommodation shown by them in accepting those changes will evoke a positive response from all members of the Council and that the Council will now be able to adopt this draft resolution by an overwhelming majority, if not, indeed, by unanimity.

113. The PRESIDENT *(interpretation from French)*: Before putting the draft resolution to the vote, I shall call on those members who wish to speak in explanation of vote before the voting.

114. Mr. van der STOEL (Netherlands): As this is my delegation's first intervention this month, may I start by congratulating you, Sir, on your accession to the presidency. We are confident that your diplomatic skills and experience will continue to guide the Council in the discharge of its difficult task.

115. May I also on this occasion express my appreciation for the exemplary and able manner in which your predecessor, Mrs. Jeane Kirkpatrick of the United States, conducted the business of the Council during the month of July.

116. At the request of the Group of African States, the Council has convened to discuss the new South African constitution, which will take effect on 3 September after parliamentary elections later this month for the Coloured people and the people of Asian origin in South Africa. The system of institutionalized racial segregation and oppression, known as *apartheid*, has been the object of perennial debate in the Council and other bodies of the United Nations and has been condemned in countless resolutions. The repeated appeals of the United Nations to South Africa to abolish this abhorrent system, however, have gone unheeded as the South African Government persisted in its racial policies in defiance of the expressed will of the international community.

117. It is hardly surprising, therefore, that the international community adopted an attitude of deep scepticism when the South African Government introduced its policy of constitutional reform. The limited scope of the constitutional proposals themselves seemed to warrant such wariness on the part of world opinion. First of all, these proposals did not emanate from a body representative of the people of South Africa as a whole. They were endorsed by a referendum in which only the white electorate took part, to the exclusion of other groups. The basic flaw of the constitution, however, lies in the fact that it utterly fails to address the most pressing, all-important issue: the disfranchisement of South Africa's black majority. The new constitutional framework does not remove the elaborate maze of laws on which the structure of *apartheid* rests, nor does it contain any provisions for an eventual scheme of power-sharing with the black people of South Africa. It is distressing to note that the South African Government remains stubbornly wedded to its grand design of separate development, which makes South Africa's blacks strangers in their own country by depriving them of their South African citizenship and relegating them to bantustans. Despite the obvious bankruptcy of this concept and the fact that the international community has unanimously rejected and condemned the policy of bantustanization, the Government of South Africa continues to proclaim that the creation of the remote, congested and impoverished so-called homelands has already settled the constitutional future of the blacks.

118. Perhaps it could be argued that the new constitution, although it fails to take into account the legitimate aspirations of the black majority of the population, represents a small step in the right direction because, for the first time, it involves two other groups, the Coloureds and the Asians, in the political process. From this point of view, the constitutional reforms have sometimes been interpreted as a first tentative sign of change which, if carefully fostered, could open the doors to power-sharing for other groups as well and which might ultimately lead to the gradual elimination of *apartheid*. Unfortunately, a closer examination of the constitution makes it difficult to be optimistic in this regard. For even though the Coloured and the Asian people will be enabled to cast their ballots for the seats in their chambers of the envisaged tricameral parliament, the new constitution severely limits their political gains. Clearly, the constitution has been drafted with a view to perpetuating the political domination of the white minority and sustaining the *apartheid* system.

119. Against this background, the opposition of South Africa's black leaders to the coming elections and the widespread suspicion, voiced by many speakers in this debate, that the new constitution has been designed further to entrench the system of *apartheid*, becomes understandable. As long as the majority of South Africa's people remains excluded from genuine participation in the process of political and economic decision-making, the Government of South Africa must be held responsible for the continuing explosive situation in the country and its dangerous consequences for the peace and stability of the entire region.

120. Surely it is not up to the Council to pass judgement on the legal validity of a Member State's constitution or electoral processes. However, the Council is fully entitled to demand the abolition of the policies of *apartheid* and the establishment in South Africa of a society in which all its citizens can participate freely in the determination of their future and enjoy their internationally recognized human rights. My Government cannot but disapprove of a constitution which denies those rights to the great majority of the people in South Africa and falls far short of the fundamental reforms necessary to bring peace and stability to South Africa and its neighbours.

121. In this spirit, my delegation will vote in favour of the draft resolution introduced by Burkina Faso, Egypt, India, Malta, Nicaragua, Pakistan, Peru and Zimbabwe [*S/16700*]. As we have affirmed time and again, there is no alternative to the complete abandonment of *apartheid* and the establishment of a multiracial, truly democratic society in which all the people of South Africa, irrespective of race or colour, enjoy equal rights.

122. The Netherlands will support initiatives in the Council which would increase the pressure on the South African Government to embark upon a process of meaningful reforms leading towards this goal.

123. Mr. LOUET (France) [*interpretation from French*]: I should like most warmly to congratulate you, Sir, on your assumption of the presidency of the Council for the month of August. You may rest assured of the complete co-operation of my delegation in the performance of your difficult task.

124. I should be grateful if you would kindly transmit to the representative of the United States, Mrs. Kirkpatrick, our appreciation of the remarkable manner in which she conducted the proceedings of the Council last month.

125. As everyone knows, France categorically condemns the policy of *apartheid* of the South African Government. We seek its abolition and the establishment in South Africa of a just society based on equal rights and respect for the dignity of every man and every women.

126. Viewed in the context of this moral imperative, the changes made to the South African constitution are at best a rearrangement within the *apartheid* system. But the system itself and its very foundations remain unchanged.

127. The vast majority of the inhabitants of South Africa continue to be treated as foreigners in their own country because their skin is black. The policy of forced resettlement of populations and the creation of bantustans has been pursued relentlessly.

128. That is why France continues, as it has done in the past, to condemn the policy of *apartheid* of the South African Government. Just as it voted last November for the resolution before the General Assembly, my delegation will vote in favour of the draft resolution now before us [*ibid.*], in spite of our doubts concerning the competence of the Council in the matter and our reservations with regard to some of the language in operative paragraphs 1 and 2.

129. The PRESIDENT *(interpretation from French)*: I shall now put to the vote the draft resolution contained in document S/16700.

A vote was taken by show of hands.

In favour: Burkina Faso, China, Egypt, France, India, Malta, Netherlands, Nicaragua, Pakistan, Peru, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Zimbabwe.

Against: None.

Abstaining: United Kingdom of Great Britain and Northern Ireland, United States of America.

The draft resolution was adopted by 13 votes to none, with 2 abstentions [resolution 554 (1984)].

130. Mr. SCHIFTER (United States of America): My country's deep commitment to equal rights for all, irrespective of race, is firmly anchored in law, in our day-to-day practices and in our people's basic views of society and government. So is our adherence to the principle of universal franchise.

131. It follows naturally that we have on repeated occasions in the United Nations most emphatically expressed our strong opposition to all forms of racial discrimination, including, in particular, racial discrimination as practised in South Africa. Our justification for thus expressing ourselves on what at one time may have been deemed a matter of internal affairs of a sovereign nation is that through the Charter of the United Nations we have pledged ourselves to promote and encourage human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

132. The Charter's pledge, stated briefly and succinctly, was elaborated on by the Universal Declaration of Human Rights. It is in that document that we can find express provisions dealing with circumstances such as those which the resolution now before us has once brought to our attention, namely, the denial by South Africa of the basic rights of citizenship to a majority of the people of that country on grounds of race.

133. We value most highly the standards laid down in the Universal Declaration of Human Rights. We note that article 21, paragraph 3, provides as follows:

> "The will of the people shall be the basis of the authority of government; this will shall be expressed

in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

The foregoing section must be read in conjunction with the first paragraph of article 2 of the Declaration, which reads:

"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

134. As I have said, we value the principles of government set forth in the Universal Declaration most highly. We deeply believe in their universality, their applicability to all Members of the United Nations. Thus, if we were called upon to vote on a draft resolution which stated that a country acted in violation of the Universal Declaration, if that country deprived its citizens or a portion of its citizens of the right to participate in genuine elections to choose its government, and if such a draft resolution were placed before an appropriate United Nations forum, we would vote "yes". It follows, with reference to the facts of the case before us, that we would vote for a draft resolution presented in the proper forum that found that South Africa violated the Universal Declaration when it chose its Government through a voting system not providing for universal and equal suffrage.

135. It is our view that the Universal Declaration—as its name implies—calls for universal application. We most certainly do not support its selective application, holding one country up to its high standards and totally ignoring violations of its most fundamental precepts in others. It is for that reason that I have quoted verbatim the text of the provisions of the Declaration which, we believe, are here being violated. Anyone familiar with political conditions around the globe will recognize that, though South Africa is indeed guilty of one form of violation of article 21 of the Universal Declaration, some of its severest critics violate the very same article in other ways. This is not to say that the fact that South Africa is not the only violator of article 21 excuses its violation. But it is to say that the application of simple principles of fairness would require us to cast a wider net.

136. The Council has found that South Africa is acting in violation of the Universal Declaration notwithstanding the fact that the procedure under which the violation takes place is enshrined in the basic law of that country. We agree that the United Nations may enter such a finding and express its views thereon even though the procedures complained of are expressly authorized by domestic law, be it a Constitution, statute, other legislative enactment or executive decree. In other words, we do not believe that Article 2, paragraph 7, of the Charter can be interpreted to render the Universal Declaration a nullity. We believe that by signing the Charter a Member State has necessarily agreed to allow its actions towards its own citizens to be examined for their conformity with universally accepted standards of human rights. It follows that we do not believe that the fact that racial discrimination is enshrined in the Constitution of South Africa withdraws the matter from United Nations scrutiny.

137. The point I have just made is relevant because of the problem of selectivity to which I referred earlier. We believe that the fact that provisions of the Constitution of South Africa have here been subjected to examination and have been condemned should be remembered the next time that the defence of domestic jurisdiction is raised to shield an alleged human rights violator from scrutiny within the United Nations system. As Mrs. Kirkpatrick stressed in her remarks yesterday [*2549th meeting*], we believe that the principle that Governments should derive their authority from the consent of all the governed, as expressed in free elections, has equal applicability and equal relevance everywhere.

138. I have thus explained our position with regard to the facts of racial discrimination which underlie the situation that has been the subject of discussion in the Council. As I have made clear, we would have been prepared to join others in registering our opposition to racial discrimination in South Africa by voting for an appropriately worded draft resolution in an appropriate United Nations forum. The resolution on which we have voted does not in our view meet that test.

139. In our view the Security Council is not the appropriate forum in which this matter should be considered. In making this observation I am not raising a mere technical point. On the contrary, I am raising a fundamental question about the present-day operations of the United Nations.

140. The United States wants to see the United Nations attain the goals set for it by the framers of the Charter. But that can be done only if the Organization acts within the framework provided by the Charter and if its pronouncements fairly and accurately set forth statements of the relevant facts, free of hyperbole and other inappropriate emendations.

141. Under Article 24 of the Charter it is the responsibility of the Security Council to maintain international peace and security. My Government holds to the view that the severe threats to regional security which have existed in southern Africa are today being effectively dealt with by a growing number of States in that region. An opportunity now exists for sustained progress in curbing violence, negotiating mutually acceptable solutions and pressing ahead with the urgent agenda of peaceful change. Under the circumstances, no issue is posed which is appropriately within the purview of the Council.

142. Just as positive change in South Africa can reduce the risks of violent regional confrontation, so too

can strengthened regional security promote a positive climate for change within South Africa. Thus, turning to the substance of the operative portion of the resolution now before us, it is the view of the United States that a process of change for the better is under way in South Africa. It is in that context that my Government sees the constitutional developments in South Africa. We have not endorsed and do not endorse those constitutional developments, nor do we believe that current changes in that country are adequate as a solution to its problems in that they do not deal with the fundamental issue of the political role of black South Africans. Sponsors of this resolution have argued that by expanding the franchise to include persons of Asian and so-called Coloured descent the South African Government is foreclosing the further extension of the franchise to a majority of South Africans and thereby entrenching *apartheid*. We understand this concern, but we do not share it. It is our hope and expectation that this constitutional change is a first step. Though further steps are not guaranteed, they are also not excluded. It is for that reason that we do not find ourselves in agreement with the basic tenets on which the resolution is based.

143. Let me say that I was very much impressed by the profound remarks of the representative of Guyana just a short while ago. He reminded us of statements made during a debate on South Africa 10 years ago. It is difficult during a period of social change in a country to determine with certainty the direction of that change and the speed at which it is occurring. Our own view remains that there are reasons for hope of peaceful change for the better.

144. The hope I have just expressed—the hope for further progress in South Africa towards the goal of equal rights—is not based on mere wide-eyed unjustified optimism. Ours is a multi-racial society. Though we are in important ways different from South Africa, we have faced some similar problems, problems we did not resolve overnight. But under decisions rendered by the Supreme Court of the United States, and under laws enacted by our Congress, we embarked, about 40 years ago, on a process of eliminating all vestiges of legally authorized racial discrimination in all parts of our country. That process began slowly—in the view of many participants, much too slowly—but as time passed the pace accelerated, and in the end the barriers fell at a speed not anticipated as recently as 20 years ago. For once the barriers started falling, it was not only the legal barriers that fell; as a new generation grew up, that new generation was characterized by a new outlook and a new commitment to human brotherhood.

145. Our own history and our knowledge of the evolution of democratic institutions in other countries strengthen our view that this year's broadening of South Africa's franchise is not the end of the road. We shall continue to encourage attainment of the ultimate goal of universal, non-discriminatory suffrage in South Africa. The role of the United Nations should in our view be to encourage attainment of this goal through appropriate measures taken in appropriate forums.

146. The purpose of any pronouncement by the United Nations should be to contribute to a peaceful solution of the problem with which it deals. Our focus should at all times be on the fate of the people we seek to assist, not as an abstract concept but as men, women and children of flesh and blood, each of whom is entitled to protection and enhancement of his or her human rights. Our objective should not be the formulation of resolutions which are ends in themselves but to effect improvements in the lives of those individuals, including, importantly, improvements that affirm their dignity as human beings. My country is deeply committed to this objective. It will therefore continue to pursue it in all its efforts to improve the conditions of life in southern Africa.

147. In the light of the views I have here expressed, my country's position on the draft resolution on which we have voted was best reflected in an abstention.

148. Mr. MARGETSON (United Kingdom): May I first of all join the other speakers in this debate in congratulating you, Sir, most warmly on your assumption of the presidency of the Council.

149. May I also join in thanking the representative of the United States, Mrs. Jeane Kirkpatrick, for her distinguished presidency of the Council during the month of July.

150. My Government shares the desire of the sponsors of the draft resolution on which we have just voted to see an end to *apartheid*, which is a practice that we condemn strongly and unreservedly. This is a matter of public record on which I do not need to expand beyond reminding members of the Council that the Prime Minister of my country made our abhorrence of *apartheid* very clear to the South African Prime Minister when she saw him recently.

151. My delegation must, however, reserve its position both as regards the issue of the new South African Constitution and on certain aspects of the resolution which are of a more general nature.

152. My Government's position on the new South African Constitution was fully explained during the General Assembly debate at its thirty-eighth session, in November 1983. We hold to the view that it is for those in South Africa to judge what is best for them. But we have made very clear on many occasions that we are looking for progress towards constitutional arrangements which are acceptable to the people of South Africa as a whole. We share the concern expressed in this resolution about the absence of any provision in the new Constitution for the black majority. This is a serious shortcoming. It would, however, in our view, be wrong to make a final judgement now about the new arrangements. For this reason my Government has

consistently declined to take a position on these which might put at risk prospects for facilitating the process of change in South Africa which we would all like to see.

153. My delegation is also unhappy about some of the language in the text of the resolution before us. It is, for instance, not our view that the new Constitution has transformed South Africa into a country for whites only. Nor do we accept that the references to the legitimacy of the struggle relate to armed struggle or extend to the use of force. It is also our view that only the people of South Africa can determine their future and that it is not for outsiders to prescribe solutions, nor to determine the validity or otherwise of internal arrangements.

154. For these reasons my delegation abstained on the vote.

155. May I add that, for my delegation, this debate has been notable for some impressive and moving speeches. But I greatly regret that on such an occasion, when I would hope that all of us in the Security Council could seek to emphasize our common position towards *apartheid*, the representative of the Soviet Union should have chosen to inject, very strongly, a note of East-West conflict.

156. My country does not approach the subject of *apartheid* from the point of view of East-West relations. It would be cheapening to the subject to do so, and furthermore I believe it is not respectful to the countries of Africa, which are so closely concerned with this matter, to do so.

157. Mr. OVINNIKOV (Union of Soviet Socialist Republics) [*interpretation from Russian*]: I can understand that the representative of the United States did not take the risk of speaking in reply to the Soviet delegation, and asked his junior partner to stand in his stead. The representative of the United Kingdom has said here that we should all be united when we deal with the question of *apartheid*.

158. Yes, representative of the United Kingdom, we are all united here; we should all be united in putting an end to investments in *apartheid* representing billions of dollars, investments which benefit the investors. These investments in *apartheid*, moreover, have been made by the United Kingdom. Yes, representative of the United Kingdom, all of us here—or almost all of us—agree that we must put an end to trade with the *apartheid* régime, but the United Kingdom for some reason does not care to agree with that point of view and continues to trade with the *apartheid* régime.

159. Yes, representative of the United Kingdom, almost all of us agree that it has long been high time for sanctions against the *apartheid* régime, but your delegation, along with the delegation of the United States, has constantly blocked the adoption of such sanctions. That is the difference between the words of the representative of the United Kingdom, to the effect that he is against *apartheid*, and the deeds of the United Kingdom.

160. The PRESIDENT *(interpretation from French)*: I call on the representative of the United States, who wishes to speak in exercise of his right of reply.

161. Mr. SCHIFTER (United States): Our decision not to respond to the remarks of the Soviet Union was one that had been thought through. It was our intention to deal with the very profound human problem that is before us. As we have indicated, we are deeply concerned about the lives of people in southern Africa, men, women and children; not, as we said, an abstract concept, but people of flesh and blood.

162. We did not want to divert and, in a way, cheapen, that particular concern by engaging in a verbal boxing match.

163. The PRESIDENT *(interpretation from French)*: I call on the representative of the United Kingdom, who wishes to speak in exercise of his right of reply.

164. Mr. MARGETSON (United Kingdom): I am afraid that I was unable to hear everything that was interpreted in my ear-piece during the right of reply of the representative of the Soviet Union because he was speaking so extremely loudly. Nevertheless, I did hear that he referred to my country as being the "younger brother" of the United States. I can only suppose that he has, yet once more, got his history wrong. I need say no more.

165. I think he seems to be confusing the relationship between my country and the country whose representative is seated to my left with that between his country and the country whose representative is seated to his right.

166. If I could make just one very obvious point, I think that the Soviet right of reply proved my remarks completely, to the hilt.

167. The PRESIDENT *(interpretation from French)*: I call now on the representative of Algeria.

168. Mr. SAHNOUN (Algeria) *(interpretation from French)*: After the Security Council's adoption of a resolution strongly rejecting the new constitution proposed by the Pretoria régime and declaring it null and void, along with the elections scheduled for the end of August, I wish to say on behalf of the Group of African States that we are very pleased indeed. We consider that the Council has now, like the General Assembly, affirmed that the ideology of *apartheid* is the main obstacle to peace and stability in South Africa and in southern Africa as a whole. Any initiative, constitutional or otherwise, which forms a part of that ideology cannot create conditions for sincere dialogue among the communities concerned, and cannot create conditions

for genuine democracy in South Africa. That is the point that needs to be stressed.

169. The Council, like the General Assembly, has thus reminded the Pretoria régime that 24 million Africans cannot be deprived of the citizenship which is their fundamental right. To try to confine those 24 million Africans to so-called bantustans is as inadmissible as the Nazi policy of concentration camps.

170. Thus the Council's message is clear, and we know that this evening the South African people are delighted with its decision, especially because—and this is by no means the least important point—it reaffirms the legitimacy of their struggle to eliminate *apartheid*. This gives them a glimmer of hope and shows that they will have support, support which will be greatly appreciated. It is regrettable only that some members of the Council deemed it necessary to abstain in the vote, notwithstanding the concessions made by the sponsors of the draft resolution. We note, however, that in their statements, these delegations reaffirmed their opposition to *apartheid*.

171. The PRESIDENT *(interpretation from French)*: The Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 6.20 p.m.

NOTE

[1] *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 1* (A/38/1), p. 3.

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